

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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CHRISTOPHER GOODVINE,

Plaintiff,

v.

WILLIAM CONROY, MICHAEL JULSON,  
SEAN SALTER, RANDY SCHNEIDER and  
JEREMY A. WILEY,

Defendants.

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ORDER

12-cv-134-wmc

Plaintiff Christopher Goodvine filed this civil action under 42 U.S.C. § 1983, concerning the conditions of his confinement at the Columbia Correctional Institution (“CCI”). He is presently represented by *pro bono* counsel. Previously, the parties filed a joint motion to permit direct communications, “including *ex parte* communications,” with the court’s neutral expert, Dr. Kenneth Robbins. On July 16, 2014, the court granted that motion, in part, subject to the following conditions: (1) both sides must participate jointly in any direct communications (meaning that neither party should engage in unilateral, one-sided or *ex parte* communications) with Dr. Robbins; and (2) Dr. Robbins may not be retained by either side to act as their expert without further order of the court. (Dkt. # 291.)

The parties now jointly move to modify the court’s order to allow unilateral communication if one party has expressed a desire not to participate in such communications. The parties explain that plaintiff’s counsel would now like to meet with Dr. Robbins at times when defendants’ counsel “does not wish to participate[.]” Under the exact wording of the court’s July 16 order, however, plaintiff’s counsel cannot

meet with Dr. Robbins unless defendants' counsel also participates. Moreover, defendants' counsel does not object to a meeting between Dr. Robbins and plaintiff's counsel.

The parties agree that if upon notification by the other party of an intent to meet with Dr. Robbins, the notifying party may go ahead even if the notified party does not wish to participate. The parties would share any written communications to or from Dr. Robbins and would share any documents provided to Dr. Robbins. The party seeking the meeting will bear the costs of Dr. Robbins's participation. The parties further agree that Dr. Robbins may be re-deposed if he substantially changes his opinions or does significant additional work on the case.

The parties believe that, given notification and an opportunity to be present at any meeting with Dr. Robbins, it would be more efficient to conduct certain meetings without both parties in attendance. The court agrees.

#### ORDER

IT IS ORDERED that the parties' joint motion to modify the July 16, 2014 order to allow unilateral communication with the court's neutral expert (dkt. # 298) is GRANTED subject to Dr. Robbins's voluntary participation.

Entered this 8th day of October, 2014.

BY THE COURT:

/s/

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WILLIAM M. CONLEY  
District Judge